

# **LOWER PAXTON TOWNSHIP ZONING HEARING BOARD**

Meeting of January 30, 2014

Members Present

Richard Freeburn  
Jeff Staub  
Sara Jane Cate  
David Dowling  
Greg Sirb  
Watson Fisher

Also in Attendance

James Turner  
George Wolfe

**Docket 1350**

Applicant: Beaufort Hunt Inc.  
Address: 2308 Stumpstown Road  
Mechanicsburg, PA 17055  
Property Owner: Barbara and Glenn Cassel  
Property Address: 6660 Union Deposit Road  
Harrisburg, PA 17111

Section 307.A Dimensional Requirements in Each District

AR Agricultural Residential District

The minimum side yard setback for a principal non-residential use shall be 35 feet.

The Applicant seeks relief of a required side yard setback

Grounds: Section 307.A D

Fees Paid: December 13, 2013

Property Posted: January 21, 2014

Advertisement: Appeared in The Paxton Herald on January 15, 2014 and January 22, 2014.

The hearing began at 7 p.m.

Mr. Freeburn swore in George Zimmerman, 124 Common Drive, Hershey, Pennsylvania, who is the realtor for the transaction for the Cassel's.

Mr. Jeff Staub requested to be recused from the hearing as he has a business relationship with the property owner. Mr. Freeburn recused Mr. Staub from the hearing.

Mr. Freeburn swore in Mary Ann K. Yahn, 325 Piketown Road, Harrisburg, PA 17112, master of the foxhounds for the Beaufort Hunt Club Kennels.

Mr. Freeburn explained that it is customary for the Board to enter a copy of the application and site plan as Township exhibits. He questioned if there was an objection to doing so. Mr. Zimmerman and Mrs. Yahn both answered that they did not have any objections.

Mr. Freeburn swore in George Wolfe, Township Manager for Lower Paxton Township.

Mr. Freeburn questioned if the appropriate fees were paid for this application and was the property posted. Mr. Wolfe advised that the appropriate fees were paid on December 13, 2013, and the hearing was advertised in The Paxton Herald on January 15, 2014 and January 22, 2014. He noted that the hearing notices were posted on January 21, 2014.

Mr. Freeburn requested Mr. Wolfe to explain what ordinances pertain to this application. Mr. Wolfe explained that the application pertains to Section 307.A, dimensional requirements as they affect the AR Zoning District. He noted that the minimum side yards setbacks for a lot are in question since the applicant desires to subdivide what is a 53 acre tract into two lots, Lot 1 being 51 acres and Lot 2 would be non-residential use which would be about two acres in area. He noted that the resulting subdivision would have a deficit in the required setback between the two existing structures. He noted that the total required setbacks for the residential portion would be 20 feet and for the non-residential portion it would be 35 feet. He noted that it would required the distance between both structures along Union Deposit Road to be 55 feet and the distance is 53.2 linear feet which provides a deficit of 1.7 linear feet between the one structure on the lot that is not used residentially and the proposed property line. He noted a variance of the zoning ordinance is required in regards to the minimum side yard setback to accommodate the proposed subdivision.

Mr. Freeburn questioned if the description provided by Mr. Wolfe was amenable to the applicant. Mr. Zimmerman answered that it was very close. Mr. Freeburn questioned if there was anything that Mr. Zimmerman or Mrs. Yahn disagreed with that Mr. Wolfe testified to. Mr. Zimmerman replied no. Mrs. Yahn noted that she is present because she has a 1.76 linear foot deficit for the property line. Mr. Wolfe noted that is correct.

Mr. Freeburn noted that there is something in the law that is considered diminimus. Mr. Turner answered that is correct. Mr. Freeburn questioned if it is a legal determination. Mr. Sirb noted that it would be an aye vote for the plan. Mr. Freeburn noted that it means that it is a very minimal deficit. Mr. Freeburn questioned if the Township has a position for this application. Mr.

Wolfe answered that staff would not believe this to constitute any hardship on the Township or the area in question. He noted, in short, he would support the variance.

Mr. Freeburn questioned what might constitute diminimus. Mr. Turner noted that the cases are somewhat all over the place, as it is in the eyes of the beholder. Mr. Dowling questioned who is the beholder, the applicant or the Board. Mr. Turner answered the Board. He noted that it can be used as a basis for granting a variance that might not otherwise prove a hardship.

Mr. Dowling noted that the area is one big lot and there is a request to subdivide the land. He questioned why this is occurring and he would like to hear some testimony from the applicant for the subdivision.

Mr. Zimmerman explained that the Beaufort Hunt Kennel has been in operation for almost 30 years. He noted that they have been very good tenants and Mr. Cassel passed away last night. He noted that Mr. Cassel was trying to dispose of some of the property and Beaufort Hunt Kennel would now like to purchase the property. He noted in order to buy the property a subdivision was needed. He noted that the Kennel owners plan to improve the barn that the dogs are in now and maintain the property in much better condition than it is in now.

Mrs. Cate questioned if they want to purchase the large lot with the barn. Mr. Zimmerman answered yes. Mr. Freeburn questioned what would happen to the smaller lot. Mrs. Yahn explained that they want to purchase the two-acre lot, not the larger one. Mr. Zimmerman noted that the two-acre lot is where the barn is located. Mr. Turner noted if you look at the drawing on the left side of the plan, you can see where the two acre lot is located in the center of the tract. Mr. Zimmerman pointed it out to the Board members on the plan.

Mr. Freeburn questioned if any Board members had other questions. Mr. Sirb questioned if the barn would be the kennel. Mr. Zimmerman answered yes. Mr. Sirb questioned if it would remain the same but some improvements would be made. Mr. Zimmerman answered yes. Mr. Sirb questioned if the footprint would remain the same. Mr. Zimmerman answered yes. He pointed on the plan to the garage for Mrs. Cate to see. He noted that there is a septic system on the plan as well.

Mr. Freeburn questioned if there is anything more the applicant wanted to add to her testimony. Mrs. Yahn answered no, stating that she hopes that they have been good neighbors as she has had no problems and the hounds are happy at that location.

Mr. Freeburn questioned if anyone in the audience wished to be heard in regards to the application. No response was heard.

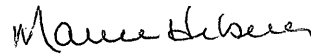
Mr. Freeburn questioned if the Board members had any questions.

Mr. Freeburn noted that the Board has 45 days to render a decision with respect to this application and he questioned if any members of the Board wish to take action at this time on Docket 1350.

Mr. Sirb made a motion to approve the variance for Docket #1350. Mrs. Cate seconded the motion. Mr. Turner conducted a roll call vote: Mr. Fisher, aye; Mr. Dowling, aye; Mr. Sirb, aye; Mrs. Cate, aye; and Mr. Freeburn, aye. Mr. Freeburn noted the application has been approved.

The hearing ended at 7:10 p.m.

Respectfully submitted,



Maureen Heberle  
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON  
APPLICATION OF : TOWNSHIP ZONING HEARING BOARD  
: DAUPHIN COUNTY, PENNSYLVANIA  
:   
BEAUFORT HUNT, INC. : DOCKET NO. 1350

### **DECISION GRANTING VARIANCE**

The applicant seeks a variance from minimum side yard setback requirements for a principal non-residential use. A hearing on the application was held on January 30, 2014.

#### **Facts**

1. The applicant and owner of the property in question is Beaufort Hunt, Inc. of 2208 Stumpstown Road, Mechanicsburg, Pennsylvania 17055. Appearing on behalf of the applicant were George Zimmerman, real estate agent for the property owner and Maryann Yahn, Master of Fox Hounds.

2. The property in question is owned by Barbara and Glenn Cassell of 6611 Union Deposit Road, Harrisburg, Pennsylvania 17111.

3. The property consists of a 52.95 acre parcel located on the east side of Union Deposit Road. It is zoned Agricultural. The property is improved with several attached dwellings, a barn and block garage. The property owner proposes to subdivide the parcel creating a new 2.01 acre lot encompassing the existing barn and block garage which would be sold to the applicant. A corner of the block garage would be located within 25 feet of the new property line.

4. The applicant is the existing tenant for the outbuildings. The lower level of the barn is used to house dogs. The applicant has been doing so for 29 years. No changes are planned.

5, Notice of the hearing was posted and advertisement made as required by the ordinance.

6. No one other than the applicant's representatives appeared before the Board to testify either in favor of or against the proposed variance.

### **Conclusions**

1. Section 307.A of the ordinance requires a minimum side yard setback of 35 feet for a principal non-residential use in the Agricultural district. The proposed subdivision would violate this section of the ordinance.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that the property is burdened by a hardship consisting of the placement of the buildings which predates the ordinance. This makes subdivision of the lot impossible without variance.


4. Granting the variance will not alter the essential character of the neighborhood nor impair surrounding property values. There will be no change to the property as the result of the variance. The use is well established and will not be altered. Drawing a property line between the existing buildings will have no impact upon adjoining or the general public.

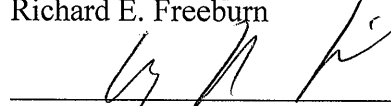
**Decision**

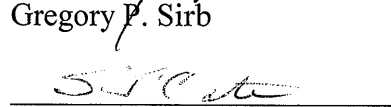
In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variance requested should be and is hereby granted allowing the subdivision of the property known as 6660 Union Deposit Road in strict conformity with the plans and testimony submitted to the Board.

Date: 2/27/14

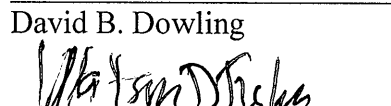
LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD

  
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ZONING HEARING BOARD**

Meeting of January 30, 2014

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**Docket 1351**

Applicant: Old Navy  
  
Address: 5114 Jonestown Road  
Harrisburg, PA 17112  
  
Property: 5114 Jonestown Road  
Harrisburg, PA 17109

**Section 7 Planned Center Signs**

Maximum areas for a multi-tenant building:

Suite Tenant Size

Over 10,001 square feet

Allowable Sign Area

10% of the vertical building wall face to which the sign is attached.

The number of wall signs permitted is one.

The Applicant seeks a variance from the number of wall signs permits as well as a blade sign.

Grounds: Article 7. Planned Center Signs.  
  
Fees Paid: December 31, 2013  
  
Property Posted: January 21, 2014  
  
Advertisement: Appeared in The Paxton Herald on January 15, 2014 and January 22, 2014.

The hearing began at 7:12 p.m.



Mr. Freeburn swore in Tom Benjamin, Lititz Sign Company, 400 North Cedar Street, Lititz, Pennsylvania, 17543. He explained that he works for the sign company hired by the applicant.

Mr. Freeburn questioned if the applicant agreed to submit a copy of the site plan and application to the Township as exhibits. Mr. Benjamin answered yes.

Mr. Freeburn noted that Mr. Wolfe had been previously sworn in.

Mr. Freeburn questioned if the appropriate fees were paid for this application and was the property posted. Mr. Wolfe advised that the appropriate fees were paid on December 31, 2013. He noted that the meeting was advertised in The Paxton Herald on January 15, 2014 and January 22, 2014. The hearing notices were posted on January 21, 2014.

Mr. Freeburn requested Mr. Wolfe to explain what codified ordinance pertains to this application. Mr. Wolfe answered that the ordinances in accordance with this variance application are the Planned Center Sign Requirements for tenant area of over 10,000 square feet that permits one wall sign and that can be equal up to 10% of the vertical building wall face to which the sign is attached. He noted that the applicant requests permission to install one vertical wall sign in the front of the building, one on the rear of the building, as well as what they have termed a blade sign but by the Township ordinance would be called a projecting sign. He noted that the application is to erect three signs where one is permitted. He noted that the sign that is affixed to the front of the building appears to meet the square foot requirements of the ordinance; the other two would be in addition to the square foot requirements of the ordinance per the building calculation.

Mr. Freeburn questioned Mr. Benjamin if he heard the statement by Mr. Wolfe as to what the application encompasses, and if he agreed with his testimony. Mr. Benjamin answered yes.

Mr. Freeburn requested Mr. Benjamin to let the Board know what he proposes to do and why the variance should be granted.

Mr. Benjamin noted that the one sign is already installed on the front of the building. He noted that Old Navy moved to the location and it is his understanding that the original location was a former movie theater that had a sign on the back of the building which faced a car lot for storage of vehicles for a Ford Dealership. He noted that there is a drainage basin and a vehicle storage area to the rear, a dark area facing the east. He noted that there is no identification on the back of the building.

Mr. Freeburn questioned if Mr. Benjamin proposed to put the blade sign that the Township calls a projecting sign on the backside of the building. Mr. Benjamin answered no, noting that there would be an additional 125 foot wall sign on the back of the building in the same area where the movie theater's sign had previously been. Mr. Freeburn questioned if it is on the east or west side of the building. Mr. Wolfe answered that the back of the building would be, if you are driving Route 22 westbound, on the eastern face of the building. He noted that the

property abuts Hoffman Fordland Truck Sales. Mr. Freeburn questioned if the blade sign would be put on the eastern wall. Mr. Wolfe answered no, as they want to put the second wall sign on the rear of the building. Mr. Benjamin noted that there is a wall sign to the front of the building and they want to add an additional sign to the rear of the building, 125 square foot sign, so as you drive westbound on Route 22 you would see it.

Mr. Freeburn questioned where you want to locate the blade sign. Mr. Benjamin answered that it would be in the front, as the Old Navy Store sits back in a little and the blade sign would project out into that sidewalk area in the front of the store.

Mrs. Cate questioned where it would be. Mr. Benjamin explained that it is located... Mr. Wolfe noted that the blade sign as he understands it would be if you are standing at the front door of Starbucks and looking north towards what used to be the movie theaters, the blade sign would be perpendicular to the front of the building in front. Mr. Freeburn noted that Mr. Turner circled where it would be on the plan. Mr. Turner noted if you look at sheet two of 15, the letter C is the blade sign. Mr. Wolfe noted that it is relatively small and the exact square feet is... Mr. Benjamin stated that it is 6.2 square feet.

Mr. Freeburn noted that the blade sign is 6.2 square feet but questioned how tall it is. Mr. Benjamin answered that it is one and a half inches tall by three feet three/eighths wide with an overall projection of four feet, three and seven eighths.

Ms. Cate questioned if someone could walk into it. Mr. Benjamin answered that it would be placed high enough on the building. Mr. Sirb questioned if it is attached to the building and jets out from the front. Mr. Benjamin answered yes. He noted with the advent of LED lighting, many national companies are going to lighted blade signs. He noted as you are walking along, you would just notice it and know what it is. He noted that they are becoming very popular in malls just like a regular wall sign.

Mr. Sirb questioned if it would be illuminated. Mr. Benjamin answered yes with LED lights.

Mr. Dowling questioned why you need a blade sign as no one walks the sidewalks, it is a driving mall. Mrs. Cate noted that there is a huge sign on the building. Mr. Benjamin noted that he would guess that the demographic and studies are trying to encourage more walking traffic in getting people from Starbucks and AT&T. Mr. Dowling noted if you come out of Starbucks and can't see the Old Navy sign then you have an issue. Mr. Benjamin noted that he has been doing this for a long time and he noted that you have to lead people to the front door with as much as possible as it is amazing what people don't see.

Mrs. Cate noted that she was at the store two days ago to look at the front and back and she did not know why you would want a sign on the back as it doesn't make any sense to her at all, but there were more people going in that store than anywhere else in the shopping center. She noted that the blade sign was not there. Mr. Benjamin noted that he can't answer for the corporate office and for why they want the sign there.

Mr. Freeburn noted that you have an end unit, so you don't have a lot of walking traffic that is going from one unit to another unit. He noted that there is one other unit beside the store. Mr. Benjamin noted that there is the automotive center or something that is being built. Mrs. Cate suggested that Old Navy is in the middle of two units. Mr. Freeburn noted that there used to be a telephone store next to it. Mr. Wolfe answered that is correct. Mr. Freeburn noted that it was an AT&T store. Mr. Benjamin noted that there are hopes of having more foot traffic, and he knows a small sign sticking out from the wall sounds kind of secondary to the huge sign on the store front. He noted that we all go on vacation and when we are walking down main street anywhere, your mind is busy and you are not paying attention. He noted that he has experienced it as we all go walking along but if you glance upward you will see the blade sign. He noted that the big sign is more for traffic and for the parking lot and the blade sign is for foot traffic. He noted that they are doing this in malls setting; inside the mall they will have a big sign for the storefront and a blade sign projecting out for foot traffic.

Mrs. Cate stated that it is different for an inside mall than an outside mall. Mr. Benjamin noted that the sign tries to grab the foot traffic. He noted that a mall setting is much smaller than that area and you walk out in the mall and you can't look up and see the sign right in front of the store but they still put a blade sign out.

Mr. Staub noted in his view, the elephant in the room is every other store and every other mall, if we grant this variance, we set that precedent, and what will be a different argument to deny another store. He noted that there would be nothing to stop Dick's for asking for the same thing. He noted there would be 35 more signs in Colonial Commons. Mr. Benjamin noted that most malls, strip malls, and most retail outlets, the ideal is to have a sign already, it's a normal type of sign to have in addition to the wall sign. Mr. Freeburn suggested that Lower Paxton is a little different maybe.

Mr. Sirb noted that he does not mind the back sign, but the lighted blade sign astounds him. He noted that all Old Navy or Dick's has to advertise is that they are located in Colonial Commons and that is where you go. Mrs. Cate stated exactly. Mr. Sirb noted that it is a destination; it's not like you are sitting on Route 22 behind a big restaurant where no one can see you. It is a destination, Colonial Commons, Route 22, Old Navy is out there on the billboard; he can't imagine a lighted blade sign.

Mrs. Cate noted that she was driving out Route 22 a few weeks ago, and she thought, Old Navy is up there now. And she thought they have a big sign, what else do they need. She noted there she was on Route 22 and she saw it. Mr. Benjamin noted when you are tucked back in, going eastbound... Mrs. Cate noted eastbound you see the sign. Mr. Benjamin noted when you are coming from Hoffman Fordland you can't see anything.

Mr. Freeburn questioned if the sign you want to put on the back of the store is 125 square feet. Mr. Benjamin answered that was correct. He noted that it would match the sign on the front. Mr. Freeburn questioned if it is lighted as well. Mr. Benjamin answered yes. Mr. Freeburn noted that it is an additional sign that is currently not permitted. Mr. Benjamin answered yes.

Mrs. Cate questioned if there are any other signs back there. Mr. Benjamin answered no, he noted the way the building is setback, it was a theater, so the back of the building sits back further than the rest of the buildings. He noted if you walk out around it, it goes quite a bit, almost right along that hill, and it is dark back there, providing an opportunity for them to advertise. He noted that Kohl's across the street has two signs and they are direct competitor. He noted that clothing stores abound and for Old Navy to advertise on the back side of the building against the competition is fairly important.

Mrs. Cate stated that she would be more willing to give that side over a blade sign.

Mr. Freeburn questioned if Mr. Benjamin had anything else he wanted to add to his testimony. Mr. Benjamin answered no.

Mr. Freeburn questioned if the Township has anything it wanted to state. Mr. Wolfe answered that the Township has a position on both signs, first of all, the blade or projected sign, staff would not recommend approval of a variance for that sign based upon the fact that we as a Township have not permitted any such sign throughout the community and we don't see where there would be a hardship for such a sign. He noted that the sign on the rear of the building, he believe, in some fashion warrants consideration for hardship status, as this building, although technically does not have double frontage, does have frontage on Route 22 visible from Carolyn Street at that intersection. He noted the rear of the building is visible as a blank area that is unidentified. He noted that Kohl's across the street had a similar condition, and a sign was permitted for Kohl's. He noted that the sign in the rear though is bigger than what is necessary and he has concerns about the lighting of that sign as it faces a residential area.

Mr. Freeburn noted that you are requesting 125 square feet which... what are the dimensions for that sign. Mr. Benjamin noted that it is six and a half feet tall by nineteen feet, five inches wide. Mr. Wolfe noted that the sign in the front is 150 square feet. He noted that it would be 15% smaller. Mr. Freeburn questioned Mr. Wolfe if he knew what the size was for the Kohl sign. Mr. Wolfe answered that he did not have the measurements but he would suggest that it is substantially smaller by 50 or 75 square feet. Mr. Sirb noted at least. He noted that we did one for Ross Dress for Less... Mr. Staub noted that we allowed a variance to have a Ross Dress for Less sign on the side of the building that faced Route 22. Mr. Sirb questioned if it was the same as the request for this sign. Mr. Staub answered no. Mr. Sirb noted that it was a very small sign. He noted that he did not mind allowing that sign as the property was shaped differently and there is some visibility issue there. He noted that there will only be a few sites in that situation in that whole Colonial Commons area. He noted that the size of the proposed sign is enormous.

Mr. Freeburn questioned what the store hours are. Mr. Benjamin answered that he did not know. Mr. Sirb suggested that the entire mall would be open until ten, probably ten a.m. to ten p.m. Mr. Benjamin noted that the scale on the building is a scale drawing. He noted that it sounds very big, so perception and reality are two different things. He noted when you size things, its visibility and distance, and as you approach the building from the rear, is quite a distance away. He noted that a smaller sign at a distance becomes smaller.

Mr. Dowling suggested expediting things that the Board votes first on the blade projectile sign and then move on to the discussion for the rear wall sign. Mr. Freeburn agreed, but before we do that, he questioned if anyone in the audience wished to be heard relative to the blade sign. No comment was heard. Mr. Freeburn questioned Mr. Benjamin if he had anything to add about the blade sign. Mr. Benjamin answered no.

Mr. Dowling made a motion that the blade sign be denied, noting that he concurs completely with the remarks made by Mr. Wolfe in that it seems to be an industry fostered new fade. He questioned what the next thing will be in five years from now. He noted that he does not see a need for it, the Township doesn't allow them and it is not a street or walking mall, it is a driving mall. Mr. Sirb seconded the motion. Mr. Freeburn called for a roll call vote by Mr. Turner: Mr. Staub, aye; Mr. Dowling, aye; Mr. Sirb, aye; Mrs. Cate, aye; and Mr. Freeburn, aye. Mr. Freeburn noted that the blade sign was denied.

Mr. Freeburn stated now we will discuss the proposed sign for the rear of the building. He noted that sign is 125 square feet, nineteen and a half feet high and six and a half feet tall. Mr. Benjamin noted that it is six foot, five inches tall and nineteen feet, six inches wide. He noted that that building that it sits on is 25 feet tall and 90 feet long.

Mr. Freeburn questioned if the sign is lighted. Mr. Benjamin answered that is correct. Mr. Freeburn questioned if it would be lighted 24 hours a day. Mr. Benjamin answered that most of the stores are on timers limiting the hours that it would be on.

Mr. Freeburn noted if the Board wanted to consider that sign either in its current dimension or at some other dimension, and if it should be lighted, questioning Mr. Benjamin if he was in opposition to a time restriction for that sign. Mr. Benjamin answered correct. He noted that the majority of the sign is not illuminated as the letters Old Navy are and for the size of it, it is the only part that shows light through them. He noted that the majority of the sign is blacked-out. He noted that it is not be like a 125 square foot spotlight. He noted that it would be a much more muted appearance.

Mr. Turner questioned if the ring around the outside of the sign would be illuminated. Mrs. Cate noted that the plan states that it has two rows of Gemini max white L.E.D. Mr. Benjamin noted that he needed to look at the lighting layout. Mr. Benjamin stated that it does appear to be lighted. Mr. Sirb noted that it would be the same light procedure as the sign in front. Mr. Benjamin answered that was correct.

Mr. Wolfe suggested that page three of fifteen shows the rear elevation of the building and the Old Navy sign is centered on the back wall face; however if you look at the site plan from one of fifteen, which is just one page up, you will see the Old Navy Building designated with the B Block pointing to the location of the requested sign. He noted if the applicant would move the sign from the center of the building as far to the southern end of that wall as possible, it would be more visible to oncoming traffic on Route 22 in the westbound direction. He questioned if the applicant was stuck on a centered sign as opposed to one that is closer to the road. Mr. Benjamin noted that he would agree with moving it off to the side of the building,

taking it away from the residential area to blend more to the area that is already light. Mr. Wolfe suggested that a smaller sign would be more appropriate, although he would not put those words in Mr. Benjamin's mouth.

Mrs. Cate noted that it would make sense.

Mr. Staub noted since that is the only sign on the east side of Colonial Commons everyone will see it even if it is half the size that he was proposing. Mr. Benjamin noted that given the distance and visibility of heading towards that building and the site line has undergrowth, with the car lot coming up over the hill, its quite a bit of a distance as you are driving up through there to get a good line of sight and maximum readability, the smaller you make it the harder it is to see.

Mr. Staub noted that he would maintain that 60 square feet is a fairly large sign. Mr. Freeburn questioned Mr. Staub what the dimensions of the sign would be if the Board would try to maintain the current shape of the sign but reduce it down to 50 square feet. He noted that he came up with eleven feet, six inches wide by four feet, two inches high. Mr. Staub noted that the length to width ratio is three to one at seven feet high it would be three and a half feet high and if it is 21 feet long it would be ten and a half feet long. He noted that is not proportional but that is the calculation you would get. Mr. Freeburn noted that it would be 60% smaller as 50 feet would be 60% smaller than 125 foot sign. He noted that going along with what Mr. Wolfe suggested, shifting the sign to the southern most portion of the building would make it the most visible for traffic driving west on Jonestown Road. He noted that the reduction in the sign would be helped by having it closer to the traffic and for the lighted aspect, due to the residential district on that side of the building; he would not want it to be light past nine o'clock at the latest.

Mrs. Cate noted if people are driving west, and they want to see the sign, don't you think the very same people who drive west drive east and will see it from the front, so they wouldn't need to see the back side. Mr. Freeburn stated, maybe not, if you are traveling west on Route 22, looking for the Old Navy Store, he would probably passed it and the ability to turn around and come back from other direction isn't that easy on Route 22. He suggested that he did not know the Old Navy Store was there because he doesn't shop, but if he was looking for it and heading west on Route 22, he would drive past it and never see it and would probably be three or four miles down the road before he realized that he past it. Mr. Turner noted that there is a sign on the pylon sign. Mr. Sirb noted that is the part that he can't understand; to him the malls that we have in the Township are destination malls. He noted that all you have to say is that it is in Colonial Commons, you don't say, go to the Old Navy Store, you say go to the Colonial Commons. He noted that he understands why they want the sign as it makes business sense, but it just makes no sense that a person looking for Old Navy Store, even if they have never been in this Township, if you say it is on Route 22, Colonial Commons or in that area, you will find it.

Mr. Freeburn noted for his purposes, the most that he would be willing to consider would be a sign shifted to the south wall, 60 percent smaller, light no later than nine p.m. He noted that is the most that he would be willing to consider personally, but other members on the Board

may have a totally different idea about that. He noted that they might not think any type of additional signage is appropriate. Mrs. Cate answered that is the way she feels.

Mr. Dowling questioned if there is any sense for the restrictions of hours that a sign can be on. He questioned if there is any way to follow up if that is actually done. He noted when we do this... Mr. Freeburn suggested only if there is a complaint. Mr. Dowling noted that it is not unusual for the Board to put a time restriction on a lighted sign. Mr. Staub questioned if that information shows up on the sign permit, the restriction. He noted even if it does... Mr. Dowling questioned how do you monitor it as there must be 100 signs in Colonial Commons. Mr. Freeburn noted that the Township would have to hire ten sign inspectors to monitor that type of thing.

Mr. Sirb noted that he is not inclined to approve a lighted sign. Mrs. Cate answered that she is not either. Mr. Sirb noted that he would be happier if it wasn't light. He noted that he sees the business aspect of it but it is a huge lighted, and he does not think it serves that much of a purpose. He noted that they have a sign on the pylon... Mr. Benjamin explained that we are pushing for everyone's dollar today, for everyone's business, and with the Kohl's sign across the street and it is facing down from the side in front of the approach on their building, and their sign faces right out into the residential district, noting that the Old Navy sign would be on the building facing out towards traffic, not out into the residential area.

Mrs. Cate noted that she is concerned about the neighborhood.

Mr. Freeburn questioned if Mr. Benjamin had anything else he needed to say. Mr. Benjamin suggested that the space is available, the line of sight, safety concerns, as people are distracted today when they are driving looking for things and places, that is why there is a need to put up the sign to make it easier for people to find it. He noted, being in the sign business, you are driving down Route 22; he is like a kid in a candy store, as he can't see all the signs as he could be very easily distracted. He noted that the sense for people to know that they are coming upon their location with the traffic in that area being very busy. He noted that they are going to Old Navy as it is a destination, and it could become a marker for the Colonial Commons. He noted those issues are reasons for having a sign in the back in his opinion, to give people ample warning that they are getting close. He noted that the competition for everyone's dollar, Kohl's is across the street, a lot of the buildings already have more than one wall sign and there had previously been a sign on the back of that building for its prior use. He noted that adjoining properties and properties in the area having that amount of signage, he doesn't feel that this sign would be out of line with the current uses.

Mr. Freeburn questioned if there was anyone in the audience that wished to be heard on this docket. No reply was heard.

Mr. Freeburn questioned if the Township has anything more to add. Mr. Wolfe answered no.

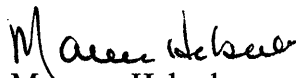
Mr. Freeburn noted that the Board has 45 days to render a decision with respect to this application and he questioned if any member of the Board wish to take action at this time on Docket 1351 as the only remaining issue for this application would be the rear wall sign.

Mrs. Cate made a motion to deny the variance for the rear wall sign for Docket #1350. Mr. Dowling seconded the motion.

Mr. Freeburn requested Mr. Turner to conduct a roll call vote: Mr. Staub, aye; Mr. Dowling, aye; Mr. Sirb, aye; Mrs. Cate, aye; and Mr. Freeburn, aye. Mr. Freeburn noted that the application has been denied for both the blade sign and the rear wall sign.

The hearing ended at 7:45 p.m.

Respectfully submitted,

  
Maureen Heberle  
Recording Secretary



IN RE: : BEFORE THE LOWER PAXTON  
: TOWNSHIP ZONING HEARING BOARD  
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA  
:  
OLD NAVY : DOCKET NO. 1351

**DECISION DENYING VARIANCE**

The applicant seeks a variance in connection with two proposed wall signs. A hearing on the application was held on January 30, 2014.

**Facts**

1. The applicant and proposed tenant of the property in question is Old Navy of 5112 Jonestown Road, Suite 1810, Harrisburg, Pennsylvania 17112. The owner of the property in question is Cedar Realty Trust of 3307 Trindle Road, Camp Hill, Pennsylvania 17011. Appearing on behalf of the applicant was Tom Benjamin of Lititz Sign Company, the sign contractor.

2. The property in question consists of a retail store front within the Colonial Commons Shopping Center located on the north side of Jonestown Road in a C-1 Commercial District.

3. In connection with the new retail store, the applicant proposes to erect three signs on the leased space in addition to a sign on the shopping center pylon sign. A 150 square feet wall sign would be erected on the store front facing west toward the parking lot and the entrance driveway. This sign is permitted under the ordinance. In addition, the applicant proposes to erect a blade sign on the southwest corner of the building projecting from the wall approximately four feet. This sign would be face-lit and would have 6.2 square feet. The third sign would be located on the rear of the leased premises. It would be 125 square feet and internally illuminated. This sign would be

partially visible to westbound motorists along Route 22 (Jonestown Road). It would not be visible from inside the shopping center.

4. Notice of the hearing was posted and advertisement made as required by the ordinance.

5. No one other than the applicant appeared to testify either in favor of or against the proposed variance.

### **Conclusions**

1. Article 7 of the ordinance limits wall signs to one per tenant and prohibits projecting signs. The same section limits sign area to 10% of the vertical building wall space. The proposed rear sign and blade sign would violate these sections of the ordinance.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that there are no hardships associated with the property which would justify the requested variance. The projecting wall sign is immediately below the large sign on the front of the building and would only be visible to persons already in the immediate proximity of the store. As such it is not necessary to reasonably

identify the store's location. The rear sign similarly is only visible to a portion of passersby and the same motorists would be able to identify the business from the large pylon sign.

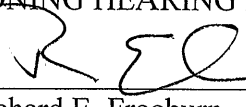
4. Granting the variance requested would be contrary to the public welfare as the requested signs would contribute to visual clutter without any offsetting benefits. Because there are no topographical irregularities associated with the site, the applicant has failed to establish a hardship.

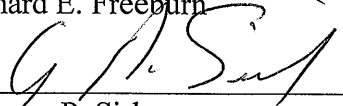
### Decision


In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variance requested should be and is hereby denied.

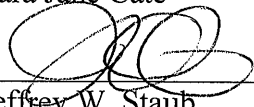
Date: 2/27/14

LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD

  
Richard E. Freeburn

  
Gregory P. Sirb

  
Sara Jane Cate

  
Jeffrey W. Staub

\_\_\_\_\_  
David B. Dowling